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U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL  
FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

17

Application Number	09/522,373
Filing Date	March 10, 2000
First Named Inventor	Loeb, Lawrence A.
Group Art Unit	1635
Examiner Name	K. LaCourciere

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## ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment / Response	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input checked="" type="checkbox"/> Terminal Disclaimer	Return Postcard; Terminal Disclaimer SB/25 with fee authorization to Dep. Acct. 20-1430 in 09/522,373 (2 copies); signatory authorization; copies of Power of Attorney, Cert. 3.73(b), recorded Assignment as of record in 09/522,373.
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s)	
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application		
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		
	Remarks	The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430.

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm and Individual name	Townsend and Townsend and Crew LLP Annette S. Parent	Reg. No. 42,058
Signature		
Date	05/31/02	

## CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on this date:

05/31/02

Typed or printed name	Dana Kane	Date	05/31/02
Signature			

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231

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TERMINAL DISCLAIMER TO OBLIGATE A PROVISIONAL DOUBLE  
PATENTING REJECTION OVER A PENDING SECOND APPLICATION

Docket Number (Optional)  
016336-000730US

In re Application of: LOEB et al.

Application No. 09/522,373

Filed: March 10, 2000

For: INDUCTION OF VIRAL MUTATION BY INCORPORATION OF MISCODING RIBONUCLEOSIDE ANALOGS INTO  
VIRAL RNA

The owner\*, University of Washington of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173 as shortened by any terminal disclaimer filed prior to the grant of any patent granted on pending second Application Number 08/958,065 (U.S. Patent No. 6,063,628), filed on October 27, 1997. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the second application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of any patent granted on the second application, as shortened by any terminal disclaimer filed prior to the patent grant, in the event that any such granted patent expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

Check either box 1 or 2 below, if appropriate.

1.  For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2.  The undersigned is an attorney of record.

Gail H. Herman  
Technology Manager, Health Sciences  
Office of Technology Licensing  
University of Washington

Signature

Feb 11/02

Date

Typed or printed name

- Terminal disclaimer fee under 37 CFR 1.20(d) is included.

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

\*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).

Form PTO/SB/96 may be used for making this certification. See MPEP § 324.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

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UNIVERSITY OF WASHINGTON

OFFICE OF THE PROVOST

March 7, 2001

TO: Robert C. Miller  
Vice Provost, Intellectual Property & Technology Transfer

FROM: Lee L. Huntsman, Provost

RE: Signing Authority



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This memorandum confirms that you have signing authority for the following documents and agreements. You may delegate signing authority for some or all of these documents to the Directors of the Office of Technology Licensing and the Office of Software Copyright, on a selective basis.

Intellectual property licenses to a maximum known value of \$1 million. Known value means \$U.S. to be collected by the UW without condition or performance criteria.

IP management documents to include:

- Small entity statements
- Power of attorney
- Authorization for attorney to perform work
- Copyright registration forms

Confidentiality statements to include:

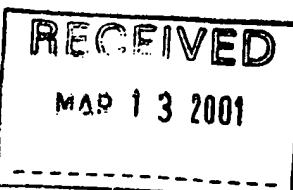
- Non-disclosure agreements
- Evaluation licenses at no cost
- Academic licenses

Project-related agreements to include:

- Memoranda of understanding
- Laboratory development revenue management agreements
- Assignment agreements
- Permissions, releases, and licenses-in

Express licensing agreements to include:

- Non-exclusive, approved standard licenses
- Invoices related to purchase orders
- Material transfer agreements
- Biomaterial transfer agreements
- Interinstitutional agreements



g:\prov\IPT&TT\signing auth

Fri, Mar 30, 2001 3:45 PM

**From:** Catherine Innes <copycat@u.washington.edu>  
**To:** Bob Miller <rcmjr@u.washington.edu>  
**Date:** Wednesday, February 21, 2001 10:51 AM  
**Subject:** Delegation of authority

*Approved  
Will Proveit*

*Mar 30, 2001*

Hi Bob,

I'd like the following individuals to have the following signature authority:

Karen Hansen:  
Material transfer agreements

Ari Santander:  
Material transfer agreements  
Confidentiality agreements

~~Gail Herman~~, Marcia Kaufman and Annette Kleiser:  
Small entity statements  
Power of attorney

Brad Laesch:  
Small entity statements  
Power of attorney  
confidentiality agreements

Karen Deyerle and David Brown:  
Small entity statements  
Power of attorney  
confidentiality agreements  
material transfer agreements  
biomaterial transfer agreements up to \$50,000  
evaluation licenses

Catherine Innes:  
Small entity statements  
Power of attorney  
confidentiality agreements  
material transfer agreements  
all biomaterial transfer agreements  
evaluation licenses  
option agreements  
interinstitutional agreements  
licenses up to \$500,000

Thanks,

Cathy



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Attorney Docket No. 016336-000730US

POWER OF ATTORNEY BY ASSIGNEE

University of Washington is the Assignee of the invention entitled: INDUCTION OF VIRAL MUTATION BY INCORPORATION OF MISCODING RIBONUCLEOSIDE ANALOGS INTO VIRAL RNA, the specification of which \_\_\_\_\_ is attached hereto or x was filed on March 10, 2000 as Application Serial No. 09/522,373.

Assignee hereby appoints the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

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Timothy L. Smith, Reg. No. 35,367  
Ellen Lauver Weber, Reg. No. 32,762  
Annette S. Parent, Reg. No. 42,058  
Kathleen L. Choi, Reg. No. 43,433  
Jeffry S. Mann, Reg. No. 42,837

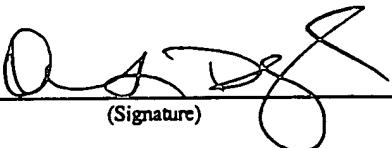
JUN 17 2002

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Send Correspondence to: Annette S. Parent TOWNSEND and TOWNSEND and CREW LLP Two Embarcadero Center, 8 <sup>th</sup> Floor San Francisco, CA 94111-3834	Direct Telephone Calls to: (Name, reg. no., tele. no.)  Annette S. Parent Reg. No.: 42,058 (415) 576-0200
---	--

UNIVERSITY OF WASHINGTON

Date: 7 - 10 - 00

By:   
(Signature)

Name: Karen L. Dayeck, Ph.D.  
Title: Manager, Health Sciences  
Office of Technology Transfer  
University of Washington



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CERTIFICATE UNDER 37 C.F.R. § 3.73(b)

Applicant: Lawrence A. Loeb and James I. Mullins

Application No.: 09/522,373

Filed: March 10, 2000

For: INDUCTION OF VIRAL MUTATION BY INCORPORATION OF MISCODING REBONUCLEOSIDE ANALOGS INTO VIRAL RNA

University of Washington, a university

(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

certifies that it is assignee of the patent application identified above by virtue of either:

A.  An assignment from the inventor(s) of the patent application identified above. The assignment was recorded in the Patent and Trademark Office at Reel       , Frame(s)       , or for which a copy thereof is attached.

OR

B.  A chain of title from the inventor(s), of the patent application identified above, to the current assignee as shown below:

1. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the Patent and Trademark Office at Reel       , Frame       , or for which a copy thereof is attached.

2. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the Patent and Trademark Office at Reel       , Frame       , or for which a copy thereof is attached.

3. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the Patent and Trademark Office at Reel       , Frame       , or for which a copy thereof is attached.

Additional documents in the chain of title are listed on a supplemental sheet.

Copies of assignments or other documents in the chain of title are attached.

The undersigned (whose title is supplied below) is empowered to act on behalf of the assignee.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Karen L. Deyerle, Ph.D.

Manager, Health Sciences

Office of Technology Transfer

University of Washington

Date: 7-10-02

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Signature: 

ASSIGNMENT OF PATENT APPLICATION

JOINT

WHEREAS, Lawrence A. Loeb, of 13808 N.E. 36th Place, Bellevue, Washington 98005, and James I. Mullins of 3134 East Laurelhurst Drive, N.E., Seattle, Washington 98105-5333, hereinafter referred to as "Assignors," are the inventors of the invention described and set forth in the below-identified application for United States Letters Patent:

Title of Invention: INDUCTION OF VIRAL MUTATION BY  
INCORPORATION OF MISCODING RIBONUCLEOSIDE  
ANALOGS INTO VIRAL RNA

Date(s) of execution of Declaration: July 10<sup>th</sup>, 2000

Filing Date: March 10, 2000

Application No.: 09/522,373

WHEREAS, University of Washington, of 1107 N.E. 45th Street, Suite 200, Seattle, Washington, 98105-4631, hereinafter referred to as "ASSIGNEE," is desirous of acquiring an interest in the invention and application and in any U.S. Letters Patent and Registrations which may be granted on the same;

For good and valuable consideration, receipt of which is hereby acknowledged by Assignors, Assignors have assigned, and by these presents do assign to Assignee all right, title and interest in and to the invention and application and to all foreign counterparts (including patent, utility model and industrial designs), and in and to any Letters Patent and Registrations which may hereafter be granted on the same in the United States and all countries throughout the world, and to claim the priority from the application as provided by the Paris Convention. The right, title and interest is to be held and enjoyed by Assignee and Assignee's successors and assigns as fully and exclusively as it would have been held and enjoyed by Assignors had this Assignment not been made, for the full term of any Letters Patent and Registrations which may be granted thereon, or of any division, renewal, continuation in whole or in part, substitution, conversion, reissue, prolongation or extension thereof.

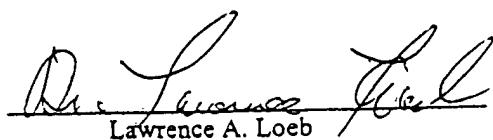
Assignors further agree that they will, without charge to Assignee, but at Assignee's expense, (a) cooperate with Assignee in the prosecution of U.S. Patent applications and foreign counterparts on the invention and any improvements, (b) execute, verify, acknowledge and deliver all such further papers, including patent applications and instruments of transfer, and (c) perform such other acts as Assignee lawfully may request to obtain or maintain Letters Patent and Registrations for the invention and improvements in any and all countries, and to vest title thereto in Assignee, or Assignee's successors and assigns.

NOT FOR RECORDATION

Assignment  
Attorney Docket No.: 16336-000730US  
Page 2

IN TESTIMONY WHEREOF, Assignors have signed their names on the dates indicated.

Dated: 7/10/2000

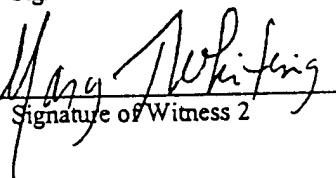
  
Lawrence A. Loeb

SIGNATURE WITNESSED BY:

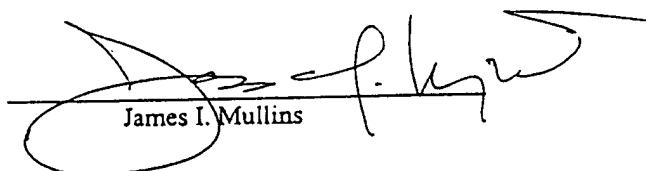
(1) Date: 7/10/2000

  
Signature of Witness 1

(2) Date: July 10, 2000

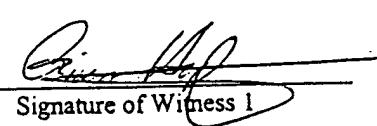
  
Signature of Witness 2

Dated: 7/10/00

  
James I. Mullins

SIGNATURE WITNESSED BY:

(1) Date: 7/10/2000

  
Signature of Witness 1

(2) Date: 7/10/00

  
Signature of Witness 2



01633-000730US  
UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
ASSISTANT SECRETARY AND COMMISSIONER  
OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

SEPTEMBER 11, 2000

PTAS  
TOWNSEND AND TOWNSEND AND CREW LLP  
ANNETTE S. PARENT  
TWO EMBARCADERO CENTER, 8TH FLOOR  
SAN FRANCISCO, CALIFORNIA 94111-3834



\*101413266A\*

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UNITED STATES PATENT AND TRADEMARK OFFICE  
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT      TECH CENTER 1600/2900

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 07/12/2000

REEL/FRAME: 010933/0756  
NUMBER OF PAGES: 3

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:  
LOEB, LAWRENCE A.

DOC DATE: 07/10/2000

ASSIGNOR:  
MULLINS, JAMES I.

DOC DATE: 07/10/2000

ASSIGNEE:  
UNIVERSITY OF WASHINGTON  
1107 N.E. 45TH STREET, SUITE 200  
OFFICE OF TECHNOLOGY TRANSFER  
SEATTLE, WASHINGTON 98105-4631

SERIAL NUMBER: 09522373  
PATENT NUMBER:

FILING DATE: 03/10/2000  
ISSUE DATE:

TOWNSEND & CREW  
00 SEP 25 AH 10 '94  
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010933/0756 PAGE 2

SHARON LATIMER, EXAMINER  
ASSIGNMENT DIVISION  
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07-25-2000

Docket No. 16336-000730US

FORM PTO-1595  
(Rev. 6-93)

To the Honorable Asst. Commissioner for Patents. Please record the attached original documents or copy thereof

## 1. Name of conveying party(ies):

Lawrence A. Loeb  
James I. MullinsAdditional name(s) of conveying parties attached?  Yes  No

## 3. Nature of conveyance:

- Assignment     Merger  
 Security Agreement     Change of Name  
 Other:

Execution Date: July 10, 2000

## 4. Application Number(s) or Patent Numbers.

JUN 17 2002

If this document is being filed together with a new application, the execution date of the application is:

TECH CENTER 1600/2900

A. Patent Application No(s): 09/522,373

B. Patent No(s):

Additional numbers attached?  Yes  No

## 5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Annette S. Parent  
TOWNSEND AND TOWNSEND AND CREW LLP  
Two Embarcadero Center, 8<sup>th</sup> Floor  
San Francisco, California 94111-3834  
(415) 576-0200

## 6. Total number of applications and patents involved: One

7. Total fee (37 CFR 3.41): \$40.00

 Enclosed     Charge Fees to Deposit Account Charge any additional fees associated with this paper or during the pendency of this application, or credit any overpayment, to deposit account.

8. Deposit account number: 20-1430

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## 9. Statement and signature.

To the best of my knowledge and belief, the foregoing is true and correct and any attached copy is a true copy of the original document.

Annette S. Parent  
Name of Person Signing

Atty Reg. No. 42,058

*Annette S. Parent*

Signature

*July 12, 2000*

Date

Total number of pages including cover sheet, attachments and document 3

10. Change Correspondence Address to that of Part 5?  Yes  No

OMB No. 0651-0011 (exp. 4/94)

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Asst. Commissioner for Patents  
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ASSIGNMENT OF PATENT APPLICATION

JOINT

WHEREAS, Lawrence A. Loeb, of 13808 N.E. 36th Place, Bellevue, Washington 98005, and James I. Mullins of 3134 East Laurelhurst Drive, N.E., Seattle, Washington 98105-5333, hereinafter referred to as "Assignors," are the inventors of the invention described and set forth in the below-identified application for United States Letters Patent:

Title of Invention: INDUCTION OF VIRAL MUTATION BY  
INCORPORATION OF MISCODING RIBONUCLEOSIDE  
ANALOGS INTO VIRAL RNA

Date(s) of execution of Declaration: July 10<sup>th</sup>, 2000

Filing Date: March 10, 2000

Application No.: 09/522,373

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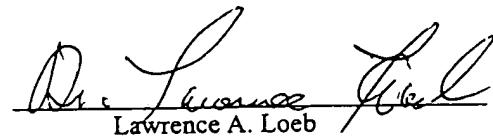
For good and valuable consideration, receipt of which is hereby acknowledged by Assignors, Assignors have assigned, and by these presents do assign to Assignee all right, title and interest in and to the invention and application and to all foreign counterparts (including patent, utility model and industrial designs), and in and to any Letters Patent and Registrations which may hereafter be granted on the same in the United States and all countries throughout the world, and to claim the priority from the application as provided by the Paris Convention. The right, title and interest is to be held and enjoyed by Assignee and Assignee's successors and assigns as fully and exclusively as it would have been held and enjoyed by Assignors had this Assignment not been made, for the full term of any Letters Patent and Registrations which may be granted thereon, or of any division, renewal, continuation in whole or in part, substitution, conversion, reissue, prolongation or extension thereof.

Assignors further agree that they will, without charge to Assignee, but at Assignee's expense, (a) cooperate with Assignee in the prosecution of U.S. Patent applications and foreign counterparts on the invention and any improvements, (b) execute, verify, acknowledge and deliver all such further papers, including patent applications and instruments of transfer, and (c) perform such other acts as Assignee lawfully may request to obtain or maintain Letters Patent and Registrations for the invention and improvements in any and all countries, and to vest title thereto in Assignee, or Assignee's successors and assigns.

Assignment  
Attorney Docket No.: 16336-000730US  
Page 2

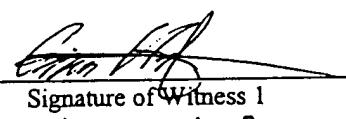
IN TESTIMONY WHEREOF, Assignors have signed their names on the dates indicated.

Dated: 7/10/2000

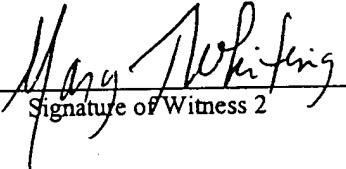
  
Lawrence A. Loeb

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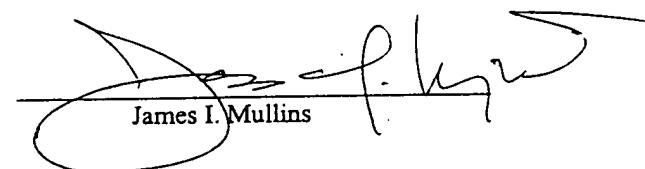
(1) Date: 7/10/2000

  
Signature of Witness 1

(2) Date: July 10, 2000

  
Signature of Witness 2

Dated: 7/10/00

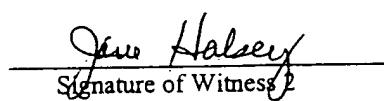
  
James I. Mullins

SIGNATURE WITNESSED BY:

(1) Date: 7/10/2000

  
Signature of Witness 1

(2) Date: 7/10/00

  
Signature of Witness 2



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PATENT

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Loeb and Mullins

Application No.: 09/522,373

Filed: March 10, 2000

For: INDUCTION OF VIRAL  
MUTATION BY INCORPORATION OF  
MISCODING RIBONUCLEOSIDE  
ANALOGS INTO VIRAL RNA

Examiner: K. LaCourciere

Art Unit: 1635

TRANSMITTAL OF TERMINAL  
DISCLAIMER

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

Enclosed to be made of record in the above-referenced application is a Terminal Disclaimer to Obviate a Provisional Double Patenting Rejection Over a Pending Second Application, Serial No. 08/958,065. This Terminal Disclaimer attaches assignee's proof of signing authority and copies of the appropriate Power of Attorney, Certificate Under 37 C.F.R. §3.73(b) and recorded Assignment, all of record in 09/522,373.

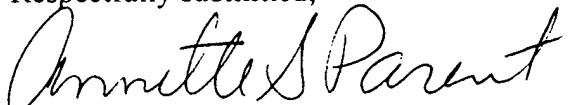
The Assistant Commissioner for Patents is hereby authorized to charge to Deposit Account No. 20-1430 the requisite fee of \$55.00 under small entity status, in accordance with 37 C.F.R. §1.20(d). The Assistant Commissioner is further authorized to charge any additional fees or credit any overpayment to the foregoing deposit account. This fee authorization is submitted in duplicate.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-576-0200.

Respectfully submitted,

  
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